

ABSTRACT

UNJUST ENRICHMENT UNDER ENGLISH AND CZECH LAW

The topic of presented thesis is “Unjust Enrichment under English and Czech Law”. It aims to provide a comprehensive analysis and comparison of legal rules governing unjust enrichment in English and Czech law. The thesis is systematically divided into four principal chapters which are further subdivided.

The first chapter presents an introduction to unjust enrichment. It provides a brief historical overview and a description of legal nature of unjust enrichment. It also aims to bring a basic comparison of the common law system and the civil law system to which English law and Czech law belong.

Unjust enrichment on the European level is analysed in the second chapter. Two chosen soft law instruments of the European private law are presented here, namely Draft Common Frame of Reference and Principles of European Law of Unjust Enrichment, which set forth non-binding rules for the functioning of unjust enrichment.

The third chapter is focused on the English law of unjust enrichment. It primarily brings the analysis of the requirements of unjust enrichment under English law. These requirements, which are based on the case law of the English courts, are as follows: (1) benefit, (2) at the claimant’s expense, (3) unjust factor, and (4) lack of defence. Remedies that are available for the claimant in the case of unjust enrichment as well as the limitation period of such claim are mentioned in the end of the third chapter.

The fourth chapter addresses the Czech legal rules of unjust enrichment. The first subchapter compares the provisions on unjust enrichment in the Czech civil codes from 1811 to present. Subsequent subchapters target unjust enrichment under Act No. 89/2012 Coll., Civil Code., starting with the most significant changes to unjust enrichment brought by the new legislation. It continues with the particular situations that may lead to unjust enrichment such as consideration provided without a legal ground or unlawful use of valuables of another. The fourth chapter ends with the remedies and limitation period for the claim for unjust enrichment.